

PRISCILLA HARE : CIVIL ACTION  
:  
v. :  
:  
H&R INDUSTRIES, INC. : NO. 00-CV-4533

Presently before the Court are Cross-Motions to Amend the Findings by the Court, filed by the Plaintiff, Priscilla Hare and Defendant, H&R Industries, Inc. Plaintiff, a former employee of Defendant from February 1997 to October 1999, sued Defendant for sexual discrimination under Title VII and the state law tort of intentional infliction of emotional distress. On March 11, 2001, after a non-jury trial, this Court issued Findings of Fact and Conclusions of Law, ruling in favor of the Plaintiff. Defendant was found liable to the Plaintiff under Title VII for the creation and perpetuation of a sexually hostile work environment. Defendant was also found liable under state law, for intentional infliction of emotional distress. As a result, this Court awarded the Plaintiff \$25,708.37 in compensatory damages and \$50,000 in punitive damages. Pursuant to Federal Rule of Civil Procedure 52(b), both parties have filed motions seeking to amend this Court's findings.

## DISCUSSION

### Pain and Suffering

Plaintiff seeks additional compensatory damages, specifically, for pain and suffering. The Court agrees with Plaintiff that Plaintiff is entitled to compensatory damages for pain and suffering under Title VII and the state law tort of intentional infliction of emotional distress. The Court also acknowledges that a separate amount for pain and suffering was not specifically noted under the heading of compensatory damages in the Court's Findings of Fact and Conclusion of Law.

Instead, the Court awarded \$50,000 under the heading of punitive damages and \$10,623.83 for past and future medical expenses in addition to back-pay. The Court declines to award additional compensatory amounts to Plaintiff as the total amount of damages, while not noted, was intended to fully compensate Plaintiff for the harms she suffered as a result of Defendant's actions, including pain and suffering. Specifically, in awarding the amount of \$50,000 of punitive damages, the Court took special consideration of the pain and suffering Plaintiff had to endure as a result of Defendant's conduct. Compensation for pain and suffering should have been separately noted rather than lumped in with the punitive damage amount, however, as the total amount of award remains the same, the Court declines to modify the award.

### **Back-pay**

Defendant contends the amount of back-pay should be reduced by the amount of unemployment compensation Plaintiff received during the relevant period. The law is clear that recoupment of unemployment benefit is to be left to the state. Craig v. Y & Y Snacks, Inc., 721 F.2d 77, 84 (3d Cir. 1983). Therefore, the amount of unemployment compensation Plaintiff received is irrelevant to this Court's calculation of back-pay award upon finding liability.

Defendant also complains that Plaintiff is not entitled to the \$6,178.34 back-pay awarded for the period between September 9, 2000 to December 16, 2000 because Plaintiff left her job at Summit Machine in September and then subsequently failed to show up for a permanent position offered to her by Summit Machine in December. While these facts are true, Defendant fails to note that during this time period, from October 26, 2000 to November 7, 2000, Plaintiff was hospitalized at Doylestown Hospital Crisis Center. While not specifically noted, the Court awarded Plaintiff back-pay for a total of 14 weeks, not just the period of hospitalization, because evidence revealed that Plaintiff was in no condition to obtain employment or continue working at Summit Machine during the several weeks before and following her hospitalization at the Crisis Center. Therefore, the Court declines to amend the amount of back-pay awarded to Plaintiff.

### **Medical Expenses**

While several other factors contributed to Plaintiff's hospitalization, Defendant is still liable to Plaintiff for all of the medical expenses awarded. First, under the so-called eggshell plaintiff doctrine of tort law, it is well-known that the Defendant tortfeasor takes the Plaintiff as she is. That Plaintiff was susceptible to other stress factors is irrelevant to the amount of damages. Secondly, it is entirely impossible to apportion fault among the various factors that may have led to Plaintiff's hospitalization and the need for future medical treatment. As such, the Court will not reduce the amount of medical expenses awarded.

### **Attorney Fees**

Plaintiff seeks attorney fees in connection with opposing Defendant's motion to amend the award. The Court finds no grounds for awarding attorney fees related to this particular issue. Therefore, Plaintiff's request is denied.

### **Conclusion**

In conclusion, the Cross-Motions To Amend the Findings by the Court filed by the Plaintiff, Priscilla Hare (Doc. No.71) and by the Defendant, H&R Industries, Inc. (Doc. 72) are **DENIED**.

BY THE COURT:

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JAMES MCGIRR KELLY, J.